

Kansas City, Missouri Police Department		DATE OF ISSUE	EFFECTIVE DATE	NUMBER
PERSONNEL POLICY		4-2-91	4-3-91	210-1
SUBJECT	Benefit Series 200: Department Life Insurance Plans		AMENDS	
210 - Public Safety Officers' Benefits Act of 1976 (Bureau of Justice Assistance)				
REFERENCE	RESCINDS			
	Benefit 210			

I. INTRODUCTION

The Public Safety Officers ' Benefits **Act of 1976**, effective September 29, 1976, authorized the **Bureau of Justice Assistance** to pay a benefit of \$50,000 to the eligible **survivors of a public safety officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty. The benefit was then increased to \$100,000 effective June 1, 1988. Additionally, on each October 1 thereafter**, the benefit will be adjusted by the percentage of change in the Consumer Price Index.

The Internal Revenue **Service** has ruled that the \$100,000 benefit is not subject to federal taxation. **Also**, the **Act** assures that the benefit **will** not be subject to execution or attachment. The benefit is intended to be in addition to other benefits received **by the family of a deceased member. This benefit applies to all line-of-duty deaths except as explained below, or during the commission of a federal crime** which is covered under another statute.

II. DEFINITIONS

Public Safety Officer - A person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer or **a** fire fighter. This includes, **but is** not limited **to**, police, corrections, probation, parole, and judicial officers.

Line of Duty - Any action that the law enforcement officer or fire fighter is authorized or obligated to perform by law, rule, regulation, or condition of employment or service. This precludes any claim for benefits resulting from off-duty employment.

Dependent - **Any individual, including a stepchild or parent, who is reliant on the income of the deceased officer for over one-third of his or her support.**

Eligible Survivor -

A. A surviving child - Any natural, illegitimate, adopted, posthumous child, or stepchild of a deceased **public safety officer who, at the time of death is :**

1. **18 years of age or younger.**

2. 19 through 22 years of **age, who has** not **completed** four years of education beyond high school and who **is** pursuing a full-time course of study or training.

3. 19 years of age or **over** and incapable of self support because of physical or mental disability.

B. A surviving spouse.

C. The surviving parent **(s)**.

Intoxication - A disturbance of mental or **physical** faculties:

A. Resulting **from the introduction of alcohol** into the **body as evidenced by:**

1. A post-mortem blood alcohol level of **.20** per centum or greater, or;

2. A post-mortem blood alcohol level of at least **.10** per centum, but less than **.20** per centum, unless the Bureau receives convincing evidence that **the public safety** officer was not acting in an intoxicated manner immediately prior to his death, or;

B. Resulting from drugs or other substances in the body.

III. ELIGIBILITY

A public safety officer must be survived by an eligible survivor for a **benefit** to be paid. Officers cannot name their own beneficiaries under the Act. Once the U.S. Department of Justice approves the **claim**, the benefit will be paid in a lump **sum** as follows:

A. If there is no surviving child of the deceased officer, to the surviving spouse.

B. If there is a surviving child or children and a surviving spouse, one-half to the child or **children in equal** shares and one-half to the surviving spouse.

C. If there is no surviving spouse, to the child or children of the officer in equal shares.

D. If none of the above, to the **parent or** parents of the officer in equal shares.

E. No benefits will be paid if none **of** these conditions exist .

IV. LIMITATIONS AND EXCLUSIONS

Benefits will not be paid **under the following conditions:**

- A. If the death was caused by the **intentional** misconduct of the public safety officer or **by such officer's** intention **to** bring about his or her own death.
- B. If the public safety officer was voluntarily intoxicated at the time of the **officer's death**.
- C. If the public **safety** officer was performing his or her duties in a **grossly negligent manner at the time of the** officer's death.
- D. To a claimant whose actions were a substantial contributing factor to the death **of the public safety officer**.
- E. To the survivors of military law enforcement officers or military **fire** fighters.
- F. If the death is the result of stress, occupational illness, or chronic, progressive, or congenital disease such as **heart** or **pulmonary** disease, all of which **are** not covered by the Act, unless there is a traumatic injury which is **a** substantial factor in the death.

V. PROCEDURE

Personnel Division's (Employee Benefits Unit) Responsibility

- A. Prepare **a** Report **of** Public Safety Officer's Death, OJP **Admin** Form **3650/6**, to accompany the survivor's claim, OJP **Admin** Form **3650/5**.
- B. In the event of **the** death of **an** officer resulting from an injury sustained in the line of duty, submit a claim to the Bureau of Justice Assistance. (The Bureau of Justice Assistance will investigate the claim.)
- c. Issue subsequent payments or interim payments (not to exceed **\$3,000.00**) to survivors upon approval of a claim and receipt of benefit funds from the Bureau of Justice Assistance.


Steven C. Bishop
Chief of Police